

Amendment After Final
Serial No. 09/996,004

Docket No.US010611

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 7-15 are pending and stand rejected. Claims 7, 10, and 12 have been amended. Claims 8, 9 and 13 have been cancelled, without prejudice.

In response to applicant's arguments to the rejection of the claims in the prior Office Action, the instant Office Action states that "claims 7-15 stand finally rejected for the same reasons stated in the previous Office Action." However, a restatement of the rejection claims made in the instant Office Action refers to claims 1-4 and cites a different reference (Conklin, USP no. 6,735,338). It is believed that the restated rejection of the claims is in error and that the rejection of claims 7-15 is based on USPPA 2003/0161404. Applicant accordingly will respond to the rejection of the claims under Wu. However, if the applicant is incorrect and the Conklin reference is to be addressed, applicant respectfully submits that the error is not on the part of the applicant and reserves the right to provide an amended response to address the rejection under Conklin.

Claims 7, 9, and 12 stand rejected under 35 USC 102(e) as being anticipated by Wu (US Published Patent Application US 2003/0161404) for the same reason recited in the prior Office Action dated 6/30/2005.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter the claims have been amended to more clearly state the invention claimed. More specifically, subject matter recited in dependent claims 8 and 9 have been included in claim 7. No new matter has been added. Although the subject matter of claim 8 is rejected as being obvious in view of the Wu and Zhong, it will be shown that contrary to the statements made in the Office Action the claimed subject matter is not rendered obvious.

Wu describes a device for decoding a coded moving picture signal by a resolution converting motion compensation process and a resolution converting inverse discrete cosine transform both of which decrease the resolution of the picture thereby reducing the

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amount of reference picture data that has to be stored and accessed (see Abstract). Figure 1 illustrates one embodiment of the device disclosed by Wu, which is referred to in the Office Action, wherein a VLD receives a signal S1 which is decoded to obtain quantized DCT coefficient data S2 and control information S3. The control information S3 indicates whether intra-frame or predictive coding was employed. For pictures that were coded predictively, the control information S3 includes motion vectors (see para. 0085).

Wu fails to determine "the type of motion vectors" (represented by the control information S3) as being one selected from the group consisting of: a quarter-pel motion vector, a half-pel motion vector, and a fractional-pel motion vector" as is recited in amended claim 7, for example.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Wu cannot be said to anticipate the present invention, because Wu fails to disclose each and every element recited.

At least for this reason, applicant submits that the rejection of claim 7 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to independent claim 12, this claim recites subject matter similar to that recited in claim 7 and was rejected for the same reason used in rejecting claim 7. Thus, for the remarks made in response to the rejection of claim 7, which are also applicable in response to the rejection of claim 12, and reasserted, as if in full, herein, applicant submits that the reason for rejecting claim 12 has been overcome and the rejection can no longer be sustained.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 8, 10, 11 and 13-15 stand rejected under 35 USC 103(a) as being unpatentable over Wu in view of Zhong (US 2002/0163969).

With regard to claims 8 and 13 these claims have been cancelled. Hence, the reason for the rejection is no longer applicable. However, the subject matter of claim 8 has been included in independent claim 7 and, hence, it will be shown that the combination of Wu and Zhong fails to render obvious the subject matter recited in claim 7.

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A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Neither Wu nor Zhong, individually or in combination, teach or suggest all the elements recited in the above referred-to claims. Rather the Office Action states that "Zhong teaches 'half-pixel MV, quarter-pixel MV, fractional-pixel MV' " and that this feature is well-known. However, neither Wu nor Zhong provide any suggestion to combine their respective teachings. Rather the Office Action has impermissibly combined the teachings of the reference without either reference providing any motivation for such a combination. Accordingly the instant invention recited in claim 7 is not obvious as no showing of a suggestion to combine the references has been shown.

For at least this reason, applicant submits that the reason for the rejection has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Accordingly, independent claims 1 and 12, and associated dependent claims are not rendered obvious by the combination of Wu and Zhong as no motivation has been shown to exist to combine their respective teachings.

Accordingly, the aforementioned claims are not rendered obvious by the teachings of cited references as the combined device fails to recite all the elements claimed.

Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.


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